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09/903,083	07/10/2001	Jerlyn R. Culp	10010036-1	1185

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

BROOKS, MATTHEW L

ART UNIT PAPER NUMBER

3629

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,083

Applicant(s)

CULP, JERLYN R.

Examiner

Matthew L. Brooks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-15, and 17-30 are rejected under 35 U.S.C. 102(e) as being clearly taught by Patent Number 6,886,748 (Moore).

3. With respect to **Claim 1**: Moore discloses

A system for performing product registration, said system comprising:

optical device operable to optically capture a visual object associated with a product as digital data, wherein said visual object further comprises product registration information for said product (Fig. 2, 18; C3, 62-68; C4 1-17; C13, 1-6);

and said optical device communicatively coupled to a first processing system, said first processing system operable to communicate said digital data to a second processing system via a communication network (Fig 2, 21; C4, 44-68; C5, 30-38; C8, 62-68; C11, 4-8).

4. With respect to **Claim 2**: Moore discloses

wherein said visual object comprises at least one selected from the group consisting of: text, bar code, and any type of image (Fig 2, 18; C7, 1-8).

5. With respect to **Claim 4**: Moore discloses

wherein said product registration information comprises: information identifying said product (Fig 2; C4, 16-43).

6. With respect to **Claim 5**: Moore discloses

wherein said information identifying said product comprises at least one of the group consisting of: product serial number, product model number, and product name (Fig 2; C4, 16-43).

7. With respect to **Claim 6**: Moore discloses

wherein said optical device comprises a device selected from the group consisting of: optical scanner and digital camera (Fig 2; C3, 63-67; C4, 1-17; C8, 5-34).

8. With respect to **Claim 7**: Moore discloses

wherein said first processing system comprises a processor-based device selected from the group consisting of: personal computer, laptop computer, personal digital assistant, Web TV configuration, point-of-sale computer system, and any processor-based computer system capable of being communicatively coupled to said communication network (Abstract; Fig. 2; C8, 62-68; C11, 4-8).

9. With respect to **Claim 8**: Moore discloses

wherein said second processing system is a registrar's product registration system (Fig. 2, 21-22; C2, 62-68; C11, 4-8).

10. With respect to **Claim 9**: Moore discloses

wherein said second processing system comprises a processor-based device selected from the group consisting of: personal computer, laptop computer, web server, and any processor-based computer system capable of being communicatively coupled to said communication network (Fig 2; C2, 62-68; C11, 4-8).

11. With respect to **Claim 10**: Moore discloses

wherein said first processing system is operable to receive further product registration information (Fig 2, 18-20; C4, 8-9).

12. With respect to **Claim 11**: Moore discloses

wherein said first processing system is operable to receive said further product registration information via input from a user (Fig 2, 19-20; C4, 8-9).

13. With respect to **Claim 12**: Moore discloses

wherein said optical device is within a point-of-sale system (Abstract; C4, 1-15).

14. With respect to **Claim 13**: Moore discloses

wherein said visual object is optically captured during a sales transaction of said product (Abstract; C4, 1-15; C6, 13-24).

15. With respect to **Claim 14**: Moore discloses

A method for performing product registration, said method comprising the steps of: optically capturing a visual object associated with a product as digital data, wherein said visual object comprises product registration information for said product (Fig. 2; C4, 44-68; C11, 4-8); and

communicating said digital data to a registrar processing system via a communication network (C11, 4-8; C13,1-6).

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16. With respect to **Claim 15**: Moore discloses

wherein said visual object comprises at least one selected from the group consisting of: text, bar code, and any type of image (Fig 2, 18; C3, 61-68; C4, 1-16; C7, 1-6).

17. With respect to **Claim 17**: Moore discloses

wherein said product registration information comprises: information identifying said product (Fig 2, 16-18; C4, 16-43).

18. With respect to **Claim 18**: Moore discloses

wherein an optical capture device is utilized to perform said optically capture step, further comprising the step of: said optical capture device communicating said digital data to a first processing system (Fig 2; C4; 44-68; C5, 30-38; C6, 13-24).

19. With respect to **Claim 19**: Moore discloses

wherein said first processing system performs said step of communicating said digital data to a registrar processing system (Fig. 2; C4, 44-68; C5, 30-40; C11, 4-8; C13, 1-6).

20. With respect to **Claim 20**: Moore discloses

wherein said optical capture device is a device selected from the group consisting of: optical scanner and digital camera (Fig 2; C3, 62-68; C4, 1-18; C8, 5-34).

21. With respect to **Claim 21**: Moore discloses

receiving at said first processing system further product registration information (Fig. 2, 16-19; C4, 1-8; C7, 27-40).

22. With respect to **Claim 22**: Moore discloses

wherein said first processing system receives said further product registration information via input from a user (C4, 1-18; C7, 27-40).

23. With respect to **Claim 23**: Moore discloses

wherein said further product registration information includes user information (Fig. 2, 19; C4, 1-18; C7, 27-40).

24. With respect to **Claim 24**: Moore discloses

wherein said optically capturing step is performed during a sales transaction of said product (Abstract; C3, 62-68; C4, 1-17).

25. With respect to **Claim 25**: Moore discloses

wherein said optically capturing step is performed by an optical capture device within a point-of-sale system (Abstract; C3, 52-68; C7, 27-40).

26. With respect to **Claim 26**: Moore discloses

supplementing said product registration information with information acquired during said sales transaction (Fig 2, 16-19; C4, 1-7; C7, 27-40).

27. With respect to **Claim 27**: Moore discloses

wherein said information acquired during said sales transaction includes information acquired from a credit card transaction (Column 3, 21-23; C7, 27-40).

28. With respect to **Claim 28**: Moore discloses

A product registration system comprising: means for optically capturing a visual object associated with a product as digital data, wherein said visual object comprises product registration information for said product; and means for communicating said

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digital data to a processing system via a communication network (Fig 2; C3, 17-30; C10, 1-30).

29. With respect to **Claim 29**: Moore discloses

wherein said processing system is a registrar product registration system(Fig 2; C3, 17-42; C11, 4-8; C13, 1-6).

30. With respect to **Claim 30**: Moore discloses

wherein said product registration information comprises: information identifying said product (Fig 2; C4, 17-45).

Claim Rejections - 35 USC § 103

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

33. **Claims 3 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore. Moore teaches all of the elements claimed with the exception of using the actual product just purchased to register/scan said info of product. The examiner takes

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Official Notice that using a product just purchased to gather/scan information is old and well established in the business of e-commerce as a convenient way for a consumer to register their product. Evidence of this is provided by the following example of a computer purchase. A buyer purchases a computer and brings it home. The purchaser could then use that same computer (upon plugging into a network) to type in the appropriate information to register the computer. The computer would already have most of the product identifying information with in it. If this were the case arguably so there would be no need to type in the product info. Merely because Applicant is scanning the product information versus typing it in is not patentably distinct. Given that scanning information for transfer thereof over a network to another system/database is old and well known with in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of using a product purchased to aid the gathering of information necessary for and then sending gathered information over a network using the product purchased in Moore by because the skilled artisan would have recognized that this business practice streamlines the process and saves time spent by a consumer in registering their purchased product and is clearly applicable to the registration of any type of product. The use and advantages of this step are well known.

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Patent No.: 6,757,663 and Patent No.: 6,085,172.

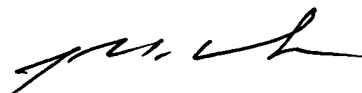
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB
9/19/2005



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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